

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Cigna Corporation,

Plaintiff,

v.

Celgene Corporation and Bristol-Myers Squibb  
Company,

Defendants.

Case No. 21-cv-00090-KSM

**JOINT MOTION TO TRANSFER VENUE  
TO DISTRICT OF NEW JERSEY**

Plaintiff Cigna Corporation and Defendants Celgene Corporation and Bristol-Myers Squibb Company (“Defendants”), by and through the undersigned counsel, jointly move to transfer this action to the District of New Jersey. Good cause warranting transfer of venue is set forth below.

1. Plaintiff filed this action on January 8, 2021. Plaintiff alleges that alleged antitrust violations by Celgene blocked generic competition for Celgene’s products Thalomid® and Revlimid® causing health insurers like Plaintiff to overpay for these medications. Compl. ¶¶ 1–9. Defendants deny such allegations.

2. As the parties previously advised and discussed with the Court at the status conference held on March 12, 2021, three related actions are now pending in the District of New Jersey, which raise factual and legal issues nearly identical to those raised in this action, against the same Defendants. *See Humana Inc. v. Celgene Corp.*, No. 2:19-cv-07532-ES-MAH (D.N.J.); *United HealthCare Servs., Inc. v. Celgene Corp.*, No. 2:20-cv-18531-ES-MF (D.N.J.); *BCBSM, Inc. v. Celgene Corp.*, 2:21-cv-06668-ES-MAH (D.N.J.). Each case involves the same claims

brought by other health insurers targeting Celgene's alleged antitrust violations with respect to Thalomid and Revlimid. The underlying alleged conduct in all three cases, such as the interaction between Celgene and generic manufacturers seeking samples of Celgene's products, or Celgene's patent infringement litigations, is the same as the alleged conduct here.

3. *Humana* is the earliest-filed of the three cases pending in the District of New Jersey. It was filed in March 2019 in the District of New Jersey and assigned to Judge Esther Salas.

4. *United HealthCare* was filed in March 2020 in the District of Minnesota, which transferred the case to the District of New Jersey in December 2020 given its substantial overlap with *Humana*. See *United HealthCare Services, Inc. v. Celgene Corp.*, 2020 WL 7074626, at \*3 (D. Minn. Dec. 3, 2020). *United HealthCare* is also assigned to Judge Salas.

5. *BCBSM* was filed in August 2020 in Minnesota; the District of Minnesota ordered transfer to the District of New Jersey last month. *BCBSM, Inc. v. Celgene Corp.*, 2021 WL 1087662 (D. Minn. Mar. 22, 2021). *BCBSM* is also assigned to Judge Salas.

6. The parties have informed the Chief Judge of the District of New Jersey of the relatedness of the above three cases. See No. 2:19-cv-07532, Dkt. Nos. 49, 50; No. 20-cv-18531, Dkt. Nos. 87, 88; No. 2:21-cv-06668, Dkt. No. 67.

7. Counsel for Plaintiff and Defendants' counsel have conferred and have agreed to transfer this action to the District of New Jersey.

8. Venue is proper in the District of New Jersey because Celgene is headquartered there and the Complaint alleges conduct there.

9. Defendants' position is that transfer of this action to the District of New Jersey will conserve judicial and private resources, promote efficiency, is in the interest of justice, and avoids

the risk of inconsistent or conflicting rulings. Plaintiff takes no position on such, but as described above, joins in this motion and in seeking the requested relief.

10. In addition to the above three actions, another related action is pending in the U.S. District Court for the District of Columbia. *Blue Cross & Blue Shield Association v. Celgene Corp.*, No. 1:20-cv-01980-TSC (D.D.C.). Blue Cross and Blue Shield Association (“BCBSA”) and Plaintiff here share the same counsel. Counsel for BCBSA and Defendants’ counsel have conferred and have also agreed to jointly move to transfer *BCBSA* to the District of New Jersey for the same reasons as above.

NOW, THEREFORE, the Parties, by and through undersigned counsel, jointly request that this action be transferred to the United States District Court for the District of New Jersey pursuant to 28 U.S.C. § 1404(a).

Dated: April 16, 2021

Respectfully submitted,

Together with:

/s/ Lathrop B. Nelson, III

By: /s/ Peter St. Phillip

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**[PROPOSED] ORDER**

This Court having considered the Joint Motion to Transfer Venue filed by Plaintiff Cigna Corporation and Defendants Celgene Corporation and Bristol-Myers Squibb Company, HEREBY ORDERS that:

1. The parties' Joint Motion is GRANTED.
2. This case is transferred to the U.S. District Court for the District of New Jersey.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_, 2021

\_\_\_\_\_  
The Honorable Karen S. Marston  
United States District Judge